

REMARKS

Claims 1-14 were examined and rejected. Claim 10 has been amended. No new matter has been added. Reconsideration of the claim rejections is requested in view of the following claim amendments and remarks.

Claims Rejected Under 35 U.S.C. § 112, First Paragraph

The Office Action rejects claims 8, 9 and 12-14 under 35 U.S.C. 112, first paragraph. In regards to claim 8 and 9, the Office Action states that "...but the specification nowhere suggests that a server or any device that could reasonably be considered a server sets up a connection or dials a destination device." Applicant respectfully traverses the rejection. Applicant's claims 8 and 9 are described in the specification, one instance found on page 7, lines 11-15 wherein it is described:

"...In the case of faxes, the outbound resource is a server which dials the destination fax number and send the fax.

In the case of voice messages, the outbound resource is a server which dials the destination telephone number and plays the voice message." (emphasis added)

Further, Tables 1-9, included in Applicant's description, further describe and enable one to make and/or use the subject matter of Applicant's claims 8 and 9 (without limiting claims 8 and 9).

In regards to claim 12, the Office action states that "The specification does not discuss the minimization of a cost function... and only discusses the determination of whether a resource or line is working or is not working." Applicant respectfully traverses the rejection. Applicant's claim 12 is described and enabled in the specification, one instance found on page 11, lines 11-14 wherein it is described:

"In step 55, the rates of available resources are checked to determine the least cost resource using Table 8." (emphasis added)

Claims 13 and 14 depend on claim 12 and are allowable for at least the reasons as discussed in regards to claim 12. Moreover, claims 13 and 14 are further described, in part, in Applicant's description on page 6, line 5 - page 7, line 18.

Claims Rejected Under 35 U.S.C. § 112, Second Paragraph

The Office Action rejects claims 10 and 11 under 35 U.S.C. 112, second paragraph stating that "It is unclear whether the ability of the message queue to receive an error log is a necessary element...According to another interpretation, the message queue of the invention is not necessarily *capable* of receiving an error log." While Applicant does not agree with the interpretation of the Office Action, Applicant has amended claim 10 by removing the word "optionally" and more clearly recited the claimed invention. It is submitted that claim 11, dependent on claim 10, is allowable for at least the reasons set forth with regard to claim 10.

Claims Rejected Under 35 U.S.C. § 102(e)

The Office Action rejects claims 1-7 under 35 U.S.C. 102(e) as being anticipated by Kelly and also offers suggestions stating that "...Incorporation of these limitation into claim 1 would result in a more positive evaluation." Applicant notes the suggestions stated in the Office Action but respectfully submits that Applicant's claim 1 includes limitations not taught or suggested by the cited reference. In order to serve as a §102 reference, the reference must teach every aspect of the claimed invention either explicitly or impliedly. (MPEP §706.02). Kelly has not done so.

The Office Action states that a "webphone network" exists. Applicant respectfully submits that Kelly describes an automatic call distribution (ACD) server, not a third network. The term "webphone network" does not appear in the Kelly patent. The Office Action states that "According to Column 3, lines 40-65, the call center agents are effectively grouped in a network where the network could be a virtual network." Applicant respectfully submits that this is a misquotation of Kelly. The ACD server 214 described in Kelly is a device that manages network resources. The ACD server 242 "...provides routing services for calls from both circuit-

switched communication networks, such as PSTNs via gateway exchanges, and packet-switched data networks such as the Internet and Intranets." (Kelly, col. 3, lines 40-44). Further, the webphone gateway exchange 218, described in Kelly, is a gateway (not a network) that "bridges from an IP-based network to a PSTN network. (Kelly, col. 8, lines 61-62). The description in Kelly does not describe the webphone gateway exchange 218 bridging a "third" network.

Claims 2-7 depend on claim 1 and are allowable for at least the reasons as discussed in regards to claim 1.

Claim 10 has been amended for clarification. No new matter has been added.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-14 patentably define the subject invention over the cited references of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

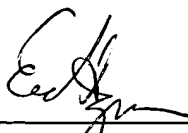
Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: _____

6/26/01

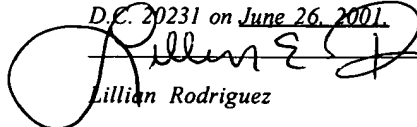
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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on June 26, 2001.



Lillian Rodriguez

June 26, 2001

6-26-01

IN THE CLAIMS (MARKED-UP VERSION)

Please amend the claims as follows. All pending claims, whether or not amended, in marked up form, are presented below for convenience.

1. (Unchanged) A system for scalable architecture for the transfer of messages in one of a plurality of formats to a user in at least a second one of said plurality of formats comprising :
 - a) an internal data network for coupling to an external data network;
 - b) at least one first server coupled to the internal data network, said first server including a message queue and a router/filter;
 - c) at least one second server coupled to the internal data network and adapted to communicate with a third network type;
 - d) at least one database server coupled to the internal data network.
2. (Unchanged) The system as in claim 1, wherein said external data network is a packet switched network.
3. (Unchanged) The system as in claim 1, wherein said third network type is a circuit switched network.
4. (Unchanged) The system as in claim 1, wherein said first server transfers messages containing at least one of text data, audio data, video data, and bitmap data.
5. (Unchanged) The system as in claim 4, wherein said first server first verifies that said messages are from or to a customer using information in said database server.
6. (Unchanged) The system as in claim 5, wherein said message queue receives messages that are broken into fragments.
7. (Unchanged) The system as in claim 6, wherein said router/filter handles at least one of call routing, billing, prioritization, and filtering of said messages.

8. (Unchanged) The system as in claim 1, wherein said second server dials a destination fax number and sends a fax.
9. (Unchanged) The system as in claim 1, wherein said second server dials a paging terminal or delivers a notification message through a paging gateway.
10. (Amended) The system as in claim 1, wherein said message queue receives [a] at least one of a detailed receipt and [optionally] an error log.
11. (Unchanged) The system as in claim 10, wherein said router/filter receives said error log and processes said error log for interfacing with a billing system for customer account updates.
12. (Unchanged) A method comprising:
 - receiving a message and forwarding said message to a message queue;
 - polling said message queue at least once for pending message requests;
 - determining message type from said message once a message request is discovered;
 - validating a customer identity;
 - checking rates of available resources to determine a least cost resource; and
 - delivering said message to a customer using said determined least cost resource.
13. (Unchanged) The method as in claim 12, further comprising:
 - obtaining currency information for said customer;
 - filtering said message for pager notification; and
 - checking for available resources to deliver said message.
14. (Unchanged) The method as in claim 12, further comprising:
 - composing a response/receipt once said message is delivered; and
 - delivering said response/receipt to a sender.